DAVID J. LUJAN
LUJAN & WOLFF LLP
Attorneys at Law
DNA Building, Suite 300
238 Archbishop Flores Street
Hagåtña, Guam 96910
Telephone: (671) 477-8064/5
Fascimile: (671) 477-5297 (LAWS)

Attorney for Plaintiff,
Melvin Duenas

FILED
DISTRICT COURT OF GUAM
FEB 13 2017
JEANNE G. QUINATA
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

MELVIN DUENAS, Plaintiff, v. ROMAN CATHOLIC ARCHBISHOP OF AGANA, a Corporation sole; TOMAS A. CAMACHO, an individual; LOUIS BROUILLARD, an individual; DOE ENTITIES 1-5; and DOE-INDIVIDUALS 6-50, inclusive Defendants.	CIVIL ACTION NO: 17-00020 **VERIFIED COMPLAINT FOR DAMAGES FOR** **1. Child Sexual Abuse** **2. Negligence** **3. Negligent Supervision** **4. Negligent Hiring and Retention** **5. Breach of Fiduciary Duty / Confidential Relationship** **JURY TRIAL DEMANDED**

Plaintiff Melvin Duenas ("Melvin") files this Complaint for damages based on prior sexual abuse (the "Complaint") against Defendants Archbishop of Agana, a corporation sole, Tomas A. Camacho, an individual; Louis Brouillard, an individual, and DOES 1-50 ("Defendants").

I.
JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this matter under 28 U.S.C. § 1332 because all parties are citizens of diverse states and the amount in controversy exceeds $75,000.00 exclusive of interest, fees, and costs.

2. This Court has personal jurisdiction over this matter because Defendants purposefully availed themselves to the benefit of the laws of this judicial district by regularly transacting and/or conducting business in this state.

3. Venue is appropriate under 28 U.S.C. § 1391(b)(2) because this is the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, and or a substantial part of property that is the subject of the action is situated.

II.
PARTIES

4. At all times relevant hereto, Melvin was an individual who resided in Inarajan, Guam, during his childhood years. Melvin is currently 55-years old and now resides in Yona, Guam.

5. At all times relevant hereto, and upon information and belief, Roman Catholic Archbishop of Agana, a corporation sole, in accordance with the discipline and government of the Roman Catholic Church, is the legal name for Defendant Archbishop of Agana, also known as Archdiocese of Agana. ("Agana Archdiocese"), which is and has been at all times relevant hereto a non-profit corporation organized and existing under the laws of Guam, authorized to conduct business and conducting business in Guam, with its principal place of business in Guam. The Agana Archdiocese is an entity under the control of the Holy See, based in Vatican City, Rome, Italy, and as such constitutes a citizen of a foreign country for purposes of diversity jurisdiction. Agana Archdiocese is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts complained of herein.

6. At all times relevant hereto, Defendant Tomas A. Camacho ("Camacho"), an individual and an agent of the Agana Archdiocese, was a member of the clergy of the Agana Archdiocese, and a Catholic priest working for the Agana Archdiocese. Camacho was ordained as a Catholic Priest on June 14, 1961, and ordained a Bishop on January 13, 1985. Camacho served as a Bishop until his retirement on April 6, 2010. Camacho currently serves as Bishop Emeritus for the Roman Catholic Diocese of Chalan Kanoa in the Northern Mariana Islands. At all times relevant hereto, Camacho was a resident of Guam and is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts complained of herein. Camacho currently resides in Saipan.

7. At all times relevant hereto, Defendant Louis Brouillard ("Brouillard"), an individual and an agent of the Agana Archdiocese, was a member of the clergy of the Agana Archdiocese, and a Catholic priest working for the Agana Archdiocese. Brouillard was ordained as a Catholic Priest on December 17, 1948 in Guam where he worked in parishes and schools in 1981. At all times relevant hereto, Brouillard was

a resident of Guam and is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts complained of herein. Defendant Brouillard currently resides in the mainland United States.

8. Defendant-entities named herein as DOES 1 - 5, inclusive, are or at all times relevant hereto, were insurance companies that provided general liability coverage and / or excess level liability coverage pursuant to policies issued to the Agana Archdiocese and / or Roman Catholic Church of Guam. Defendant-individuals named here-in as DOES 6-50, inclusive, are at all times relevant hereto, were agents, employees, representatives and / or affiliated entities of the Agana Archdiocese and /or Roman Catholic Church outside of Guam whose true names and capacities are unknown to Melvin who therefore sues such defendants by such fictitious names, and who will amend the Complaint to show the true names and capacities of each such Doe defendant when ascertained. DOES 6 -50 assisted, aided and abetted and / or conspired with Brouillard and / or other members of the Agana Archdiocese to conceal, disguise, cover up, and / or promote the wrongful acts complained of herein. As such, each such Doe is legally responsible in some manner for the events, happenings, and / or tortious and unlawful conduct that caused the injuries and damages alleged in this Complaint.

9. Each defendant is the agent, servant and/or employee of other defendants, and each defendant was acting within the course and scope of his, her or its authority as an agent, servant and/or employee of the other defendants. Defendants, and each of them, are individuals, corporations, alter egos and partnerships of each other and other entities which engaged in, joined in and conspired with the other wrongdoers in carrying out the tortious and unlawful activities described in this Complaint; and defendants, each of them, ratified the acts of the other defendants as described in this Complaint.

III.
INTRODUCTORY ALLEGATIONS

10. In or about 1968, in or around the age of seven (7), Melvin was an altar boy at the Saint Joseph Catholic Church in Inarajan ("Inarajan Parish").

11. In or about 1971, Camacho became the priest for the Inarajan Parish and promoted Melvin to be the chief of the altar boys when Melvin was around the age of ten (10). As chief of the altar boys, Melvin had numerous duties and responsibilities. Three times a day, Melvin had to climb up the steeple and ring the church bell. On several occasions, Melvin would even sleep on the steeple in order to be sure he rang the morning church bell on time. Melvin also had to prepare for mass, which among other things included

refilling the wine, setting up the chalice, preparing the incense, and cleaning up the church. Melvin served as an altar boy at mass every morning and every night, and three times a day for Sunday mass. Melvin would also served as an altar boy on special occasions such as weddings, funerals, and baptismals. Camacho knew that being chief of the altar boys was a very demanding job, so Camacho sought and obtained permission from Melvin's father to have Melvin live in the guest room at the Saint Joseph Rectory in Inarajan ("Inarajan Rectory"), where Camacho resided at the time, using the excuse that it will be more convenient for Melvin.

12. From approximately 1971 to 1974, between the ages of ten (10) to thirteen (13), Melvin lived at the Inarajan Rectory. While living at the Inarajan Rectory, Melvin was required to feed the priests, wash and polish the vehicles, and clean the kitchen, rectory, and priests' quarters. During the period in which Melvin was living at the Inarajan Rectory, Melvin was repeatedly sexually molested and raped by Camacho. Camacho would lock Melvin in Camacho's bedroom and force Melvin to undress. At the direction of Camacho, Melvin would have to stand naked in front of Camacho while Camacho became sexually aroused. Camacho would then begin to masturbate and perform oral sex on Melvin. Melvin would then be forced to masturbate and perform oral sex on Camacho. After Camacho ejaculated, Melvin would be free to return to his room. This happened on almost a nightly basis.

13. On numerous occasions, Camacho also raped Mevin. Melvin constantly resisted the sexual abuse and tried to prevent Camacho from penetrating him but he could not free himself.

14. In addition to serving mass at the Inarajan Parish, Melvin was also required to occasionally serve mass as an altar boy at the San Isidro Catholic Church of Malojloj ("Malojloj Parish") during special events held by the Sisters of Mercy. At that time, Brouillard was a priest at the Malojloj Parish. On many occasions, while Brouillard was saying mass, he would be completely naked under his robe. Whenever Melvin served as an altar boy with Brouillard at the Malojloj Parish, Brouillard sexually molested and abused Melvin, including oral copulation. Brouillard would masturbate and perform oral sex on Melvin, and Melvin would be forced to masturbate and perform oral sex on Brouillard.

15. Brouillard's sexually predatory practices extended to his service as a Scout Master in the Guam chapter of the Boy Scouts of America. On many occasions, Brouillard required the Boy Scouts, including Melvin who was also a Boy Scout, to practice marching in the parking lot of the Malojloj Parish. After practice, they would occasionally go to the Carmelite Monastery Convent ("Convent") in Malojloj, where

Brouillard resided at the time. While at the Convent, Melvin would be subjected to the presence of Brouillard walking around completely naked. In the presence of the minor boys, Brouillard routinely displayed pornography. At the direction of Brouillard, the boys, including Melvin, had to take turns masturbating and performing oral sex on Brouillard until he ejaculated. Brouillard also undressed some of the boys and started to masturbate them and / or perform oral sex on them. This happened on numerous occasions.

16. Sometime, between 1974 to 1975, in an effort to escape the torture from being repeatedly sexually molested and raped, Melvin ran away from the Inarajan Rectory and never saw Camacho or Brouillard again.

17. In or about 2006 or 2007, around the ages of forty-five (45) or forty-six (46) years of age, while Melvin was in Saipan, where Camacho was and is now currently residing, Melvin tried to contact Camacho in an effort to seek closure. Melvin wrote notes, left his telephone number, and emailed the Cathedral in Saipan but Melvin received no response even to this date.

18. On or about October 03, 2016, Brouillard wrote a statement admitting to sexually abusing boys. A true and accurate copy of Brouillard's statement is attached hereto as Exhibit "1". The statement states in pertinent part:

a. "My name is Father Louis Brouillard. I am a retired Roman Catholic priest. … I served the diocese of Guam in the 1940s through 1970s and held many positions in the church. "

b. "Looking back now, I realize that I crossed the line with some of my actions and relationship with the boys.

c. "During some of the sex education talks, while at Santa Teresita, I did touch the penises of some of the boys and some of the boys did perform oral sex on me. Some of the incidents took place in Mangilao at the rectory of the Santa Teresita Church. Because of the many years that have passed, I do not remember the exact dates and times or the names of the boys involved. There may have been 20 or more boys involved. Other locations where the sexual contact may have happened would be at San Vicente and Father Duenas Memorial Schools.

d. "At that time, I did believe that the boys enjoyed the sexual contact and I also had self gratification as well."

e. "I have come to learn the name of one of the boys I had sexual contact with at the Santa Teresita rectory. His name is Leo Tudela. … I apologize to you Melvin and the rest of the boys that I may have harmed. I regret with all my heart any wrong I did to them. I pray for all the boys I may have harmed and ask for their forgiveness from God."

f. "While in Guam my actions were discussed and confessed to area priests as well as Bishop Apollinaris Baumgartner who had approached me to talk about the situation. I was told to try to do better and say prayers as a penance."

g. "I believe the Catholic Church should be honest and truthful regarding what happened on Guam during my time there."

19. At all times relevant hereto, Camacho sexually molested and raped Melvin when Melvin was a minor and committed such acts while serving as a priest in the Inarajan Parish, in his capacity as an agent and employee of the Agana Archdiocese, which is vicariously liable for his actions.

20. At all times relevant hereto, Brouillard sexually abused and molested Melvin when Melvin was a minor and committed such acts while serving as a priest in the Malojloj Parish, in his capacity as an agent and employee of the Agana Archdiocese, which is vicariously liable for his actions.

21. The Agana Archdiocese and DOES 1-50, inclusive, knew that both Camacho and / or Brouillard had sexually molested and abused Melvin, and rather than reporting the matter to law enforcement and without intervening so as to prevent Camacho and / or Brouillard from engaging in additional instances of sexual abuse, and without seeking to have Camacho and / or Brouillard acknowledge and take responsibility for his wrongful actions, they assisted Camacho and / or Brouillard with the specific purpose or design to keep Camacho's and / or Brouillard's misconduct hidden and secret; to hinder or prevent Camacho's and / or Brouillard's apprehension and prosecution; and to protect the Agana Archdiocese, as well as the Roman Catholic church as an international institution. Such tactics included paying Brouillard a monthly stipend for many years up until this time, despite being rendered inactive as a priest, and paying Camacho a monthly stipend since his retirement in 2010.

22. To this day, the Agana Archdiocese and DOES 1-50 never contacted Melvin, Melvin's family, or children they know Camacho and / or Brouillard had sexual contact with. The Agana Archdiocese and DOES 1-50 have been content that any other children that were sexually abused by Camacho while he was serving as a priest, and any other children that were sexually abused by Brouillard while he was serving as a priest, who remain affected by guilt, shame and emotional distress.

23. Despite the prolonged and egregious sexual abuse, spanning a period of several decades, neither

the Agana Archdiocese nor the Roman Catholic Church ever formally disciplined Camacho and / or Brouillard and in fact have paid and continued to pay up through present time, sums of money to Camacho and to Brouillard on a regular basis, ostensibly under the guise of a retirement stipend. Brouillard's name was included on a list released by the Duluth diocese in December 2013 of priests who had credibly accused of sexual abuse of young persons while serving in the diocese.

24. The criminal offense of Child Abuse is defined in 9 GCA § 31.30, which states in pertinent part as follows:

> (a) A person is guilty of child abuse when:
> (1) he subjects a child to cruel mistreatment; or
> (2) having a child in his care or custody or under his control, he:
>
> * * *
>
> (B) subjects that child to cruel mistreatment; or
> (C) unreasonably causes or permits the physical or, emotional health of that child to be endangered

25. Under 19 GCA § 13101, the following relevant definitions are provided:

> * * *
>
> (b) Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child's welfare;
>
> * * *
>
> (d) Child means a person under the age of 18 years;
>
> * * *
>
> (t) Harm to a child's physical health or welfare occurs in a case where there exists evidence of injury, including but not limited to:
>
> * * *
>
> (2) Any case where the child has been the victim of a sexual offense as defined in the Criminal and Correctional Code; or
> (3) Any case where there exists injury to the psychological capacity of a child such as failure to thrive, extreme mental distress, or gross emotional or verbal degradation as is evidenced by an observable and substantial impairment in the child's ability to function within a normal range of performance with due regard to the child's culture(.)

26. Under 9 GCA § 25A201, "sexual conduct" with a minor is defined as follows:

> (o) Sexual Conduct means acts of sexual penetration, sexual contact, masturbation, bestiality, sexual penetration, deviate sexual intercourse, sadomasochistic abuse, or lascivious exhibition of the genital or pubic area of a minor.

27. Under 9 GCA § 25.10(8), "sexual contact" is defined as follows:

> (8) Sexual Contact includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification.

28. Under 9 GCA § 25.10(9), "sexual penetration" is defined as follows:

> (9) Sexual Penetration means sexual intercourse, cunnilingus, fellatio, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emissions see is not required

29. Under 9 GCA § 25.15 the crime of First Degree Criminal Sexual Conduct with regard to a child is set forth in pertinent parts as follows:

> (a) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with the victim and if any of the following circumstances exists:
> (1) the victim is under fourteen (14) years of age;
> (2) the victim is at least fourteen (14) but less than sixteen (16) years of age and the actor is a member of the same household as the victim, the actor is related to the victim by blood or affinity to the fourth degree to the victim, or the actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

30. Under 9 GCA § 25.20, the crime of Second Degree Criminal Sexual Misconduct with regard to a child is set forth in pertinent part as follows:

> (a) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:
> (1) that other person is under fourteen (14) years of age;
> (2) that other person is at least fourteen (14) but less than sixteen (16) years of age and the actor is a member of the same household as the victim, or is related by blood or affinity to the fourth degree to the victim, or is in a position of authority over the victim and the actor used this authority to coerce the victim to submit.

31. Under 9 GCA § 28.65, the crime of Indecent Exposure is set forth in pertinent part as follows:

> A person is guilty of indecent exposure if he exposes his genitals or performs any other lewd act under circumstances in which his conduct is likely to be observed by any person who would be offended or alarmed.

32. Under 19 GCA § 13201(b), the following are required to report child abuse:

> (b) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, ... clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, ...

IV.
FIRST CAUSE OF ACTION

Child Sexual Abuse
[Against Defendant Camacho]

33. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 32 of this Complaint as if fully set forth herein.

34. Camacho committed the offense of First Degree Criminal Sexual Misconduct, as set forth in 9 GCA § 25.15, by engaging in sexual penetration with Melvin when Melvin was under fourteen (14) years of age.

35. Camacho committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in 9 GCA § 25.20, by engaging in sexual contact with Melvin when Melvin was under fourteen (14) years of age.

36. Camacho also committed the offense of Child Abuse, as set forth in 9 GCA § 31.30 by subjecting Melvin to cruel mistreatment, including but not limited to having Melvin, who was a child at the time pursuant to 19 GCA § 13101(d), under his care, custody or control, unreasonably caused or permitted the physical or emotional health of the child to be endangered.

37. As a direct and proximate consequence of Camacho's misconduct, Melvin was an abused or neglected child within the meaning of 19 GCA § 13101(b) because his physical or mental health or welfare was and continues to be harmed by the acts or omissions of Camacho, who was responsible for the child's welfare. Moreover, as Camacho's misconduct constitutes the commission of one or more criminal offenses, Melvin has suffered harm to a child's physical health or welfare within the meaning of 19 GCA § 13101(t)(2) because Melvin was the victim of a sexual offense as defined in the Criminal and Correctional Code (9 GCA).

38. As a direct and proximate consequence of Camacho's misconduct, Melvin has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy and counseling.

39. By engaging in the conduct described herein, Camacho acted with malice, oppression, and/or fraud, entitling Melvin to exemplary and punitive damages.

V.
SECOND CAUSE OF ACTION

Child Sexual Abuse
[Against Defendant Brouillard]

40. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 39 of this Complaint as if fully set forth herein.

41. Brouillard committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in 9 GCA § 25.20, by engaging in sexual contact with Melvin when Melvin was under fourteen (14) years of age.

42. Brouillard committed the offense of Indecent Exposure, as set forth in 9 GCA § 28.65, when he exposed his genitals in the presence of Melvin in which his conduct offended and alarmed Melvin.

43. Brouillard also committed the offense of Child Abuse, as set forth in 9 GCA § 31.30 by subjecting Melvin to cruel mistreatment, including but not limited to having Melvin, who was a child at the time pursuant to 19 GCA § 13101(d), under his care, custody or control, unreasonably caused or permitted the physical or emotional health of the child to be endangered.

44. As a direct and proximate consequence of Brouillard's misconduct, Melvin was an abused or neglected child within the meaning of 19 GCA § 13101(b) because his physical or mental health or welfare was and continues to be harmed by the acts or omissions of Brouillard, who was responsible for the child's welfare. Moreover, as Brouillard's misconduct constitutes the commission of one or more criminal offenses, Melvin has suffered harm to a child's physical health or welfare within the meaning of 19 GCA § 13101(t)(2) because Melvin was the victim of a sexual offense as defined in the Criminal and Correctional Code (9 GCA).

45. As a direct and proximate consequence of Brouillard's misconduct, Melvin has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy and counseling.

46. By engaging in the conduct described herein, Brouillard acted with malice, oppression, and/or fraud, entitling Melvin to exemplary and punitive damages.

VI.
THIRD CAUSE OF ACTION

Child Sexual Abuse
[Against Defendants Agana Archdiocese and DOES 1– 50]

47. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 46 of this Complaint as if fully set forth herein.

48. Defendants Agana Archdiocese and DOES 1 - 50 (collectively "Defendants" as alleged in this cause of action) are vicariously liable for the sexual abuse committed upon Melvin by both Camacho and / or Brouillard. Public policy dictates that Defendants should be held responsible for both Camacho's and / or Brouillard's wrongful conduct under the theory commonly referred to as *Respondeat Superior*.

49. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual abuse of Melvin arose from and was incidental to Camacho's and / or Brouillard's employment with the Agana Archdiocese, and Camacho and / or Brouillard, were acting within the scope of his employment, respectively, with the Agana Archdiocese at the time each committed the acts of sexual abuse, which were foreseeable to Defendants.

50. Defendants ratified and / or approved of Camacho's and / or Brouillard's sexual abuse by failing to adequately investigate, discharge, discipline and / or supervise Camacho and / or Brouillard and other priests known by Defendants to have sexually abused children, or to have been accused of sexually abusing children; by concealing evidence of Camacho's and / or Brouillard's sexual abuse; failing to intervene to prevent ongoing and / or further sexual abuse; by failing to report the sexual abuse as required under 19 GCA 13201(b); by allowing Camacho and / or Brouillard, respectively, to continue in service as a Catholic priests working for the Agana Archdiocese.

51. Despite the presence of policies and procedures to investigate and address instances of child sexual abuse by priests, Defendants in fact implemented such policies and procedures for no other purpose than to avoid scandal, maintain secrecy and preserve loyalty to fellow clergy, including child molesting clergy, rather than the protection of children. Such hypocritical conduct by Defendants has served to systematically encourage, perpetuate and promote sexually abusive conduct by priests in the Agana Archdiocese.

52. Defendants either had actual knowledge of Camacho's sexual abuse of Melvin and numerous other minors whom Camacho victimized, or could have and should have reasonably foreseen that Camacho was committing and would commit sexual abuse of Melvin and other minors, in the course of his employment as a priest at the Inarajan Parish, as an agent and employee of the Agana Archdiocese.

53. Likewise, Defendants either had actual knowledge of Brouillard's sexual abuse of Melvin and numerous other minors whom Brouillard victimized, or could have and should have reasonably foreseen that Brouillard was committing and would commit sexual abuse of Melvin and other minors, in the course of his employment as a priest at the Malojloj Parish, as an agent and employee of the Agana Archdiocese. Such knowledge included direct awareness by former Agana Bishop Apollinaris Baumgartner, as reflected in the following excerpt from Brouillard's statement attached hereto as Exhibit "1":

> "While in Guam my actions were discussed and confessed to area priests as well as Bishop Apollinaris Baumgartner who had approached me to talk about the situation. I was told to try to do better and say prayers as a penance."

54. As a direct and proximate result of the Defendants' above – described conduct, Melvin has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy and counseling.

55. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling Melvin to exemplary and punitive damages.

VII.
FOURTH CAUSE OF ACTION

Negligence
[Against All Defendants]

56. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 55 of this Complaint as if fully set forth herein.

57. Defendants Camacho, Brouillard, Agana Archdiocese and DOES 1 - 50 (collectively "Defendants" as alleged in this cause of action) had a duty to protect Melvin when he was entrusted to Camacho's and / or Brouillard's care by Melvin's parents. Melvin's care, welfare, and / or physical custody were temporarily entrusted to Defendants, and Defendants accepted the entrusted care of Melvin. As such, Defendants owed Melvin, as a child at the time, a special duty of care, in addition to a duty of ordinary care, and owed Melvin the higher duty of care that adults dealing with children owe to protect them from harm.

58. By virtue of their unique authority and position as Roman Catholic priests, Camacho and / or Brouillard were able to identify vulnerable victims and their families upon which each could perform such sexual abuse; to manipulate his authority to procure compliance with his sexual demands from his victims, respectively; to induce the victims to continue to allow the abuse; and to coerce them not to report it to any other persons or authorities. As priests, Camacho and / or Brouillard had unique access to a position of authority within Roman Catholic families like the family of Melvin. Such access, authority and reverence was known to the Defendants and encouraged by them.

59. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Camacho's and / or Brouillard's sexually abusive and exploitative propensities and / or that Camacho and /or Brouillard was an unfit agent. It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Melvin, the children entrusted to Defendants' care would be vulnerable to sexual abuse by Camacho and / or Brouillard.

60. Defendants breached their duty of care to the minor Melvin by allowing Camacho and / or Brouillard to come into contact with Melvin as a child without supervision; by failing to adequately supervise, or negligently retaining Camacho and / or Brouillard whom they permitted and enabled to have access respectively to Melvin; by failing to properly investigate; by failing to inform or concealing from Melvin's parents, guardians, or law enforcement officials that Camacho and / or Brouillard was or may have

been sexually abusing minors; by holding out Camacho's and / or Brouillard's to Melvin's parents or guardians, and to the community of Guam at large, as being in good standing and trustworthy as a person of stature and integrity. Defendants cloaked within the facade of normalcy Camacho's and / or Brouillard's contact with Melvin and / or with other minors who were victims of Camacho and / or Brouillard, and deliberately concealed and disguised the sexual abuse committed by Camacho and / or Brouillard.

61. As a direct and proximate result of the Defendants' above – described conduct, Melvin has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy and counseling.

62. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling Melvin to exemplary and punitive damages.

VIII.
FIFTH CAUSE OF ACTION

Negligent Supervision
[Against Defendants Agana Archdiocese and DOES 1 – 50]

63. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 62 of this Complaint as if fully set forth herein.

64. Defendants Agana Archdiocese and DOES 1 - 50 (collectively "Defendants" as alleged in this cause of action) had a duty to provide reasonable supervision of both Camacho and / or Brouillard to the minor child Melvin; to use reasonable care in investigating Camacho and / or Brouillard; and to provide adequate warning to Melvin's family, and to families of other children who were entrusted to Camacho and / or Brouillard, of Camacho's and / or Brouillard's sexually abusive and exploitative propensities and unfitness.

65. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Camacho's and / or Brouillard's sexually abusive and exploitative propensities and/or that Camacho and / or Brouillard was an unfit agent. Despite such knowledge, Defendants negligently failed to supervise Camacho and / or Brouillard in their respective positions of trust and authority as a parish priest, respectively, where each was able to commit the wrongful acts against Melvin alleged herein. Defendants

failed to provide reasonable supervision of Camacho and / or Brouillard, failed to use reasonable care in investigating Camacho and / or Brouillard, and failed to provide adequate warning to Melvin's family regarding Camacho's and / or Brouillard's sexually abusive and exploitative propensities and unfitness. Defendants further failed to take reasonable measures to prevent future sexual abuse.

66. As a direct and proximate result of the Defendants' above – described conduct, Melvin has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy and counseling.

67. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling Melvin to exemplary and punitive damages.

IX.
SIXTH CAUSE OF ACTION

Negligent Hiring And Retention
[Against Defendants Agana Archdiocese and DOES 1 - 50]

68. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 67 of this Complaint as if fully set forth herein.

69. Defendants Agana Archdiocese and DOES 1 - 50 (collectively "Defendants" as alleged in this cause of action) had a duty not to hire and / or retain Camacho and Brouillard in light of their sexually abusive and exploitative propensities.

70. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Camacho's and / or Brouillard's sexually abusive and exploitative propensities and / or that Camacho and / or Brouillard was an unfit agent. Despite such knowledge and / or an opportunity to learn of Camacho's and / or Brouillard's misconduct, Defendants negligently hired and retained Camacho and / or Brouillard in their respective positions of trust and authority as priests, where each was able to commit the wrongful acts against Melvin alleged herein. Defendants failed to properly evaluate Camacho's and / or Brouillard's application for employment by failing to conduct necessary screening; failed to properly evaluate Camacho's and / or Brouillard's conduct and performance as an employee of Defendants; and failed to exercise the due diligence incumbent upon employers to investigate each employee's misconduct, or to

take appropriate disciplinary action, including immediate termination and reporting and referral of Camacho's and / or Brouillard's sexual abuse to appropriate authorities. Defendants negligently continued to retain Camacho and / or Brouillard in their respective service as a Catholic priests, working for Defendants, which enabled each to continue engaging in the sexually abusive and predatory behavior described herein.

71. As a direct and proximate result of the Defendants' above – described conduct, Melvin has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy and counseling.

72. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling Melvin to exemplary and punitive damages.

X.
SEVENTH CAUSE OF ACTION

Breach of Fiduciary Duty And / Or Confidential Relationship
[Against All Defendants]

73. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 72 of this Complaint as if fully set forth herein.

74. By holding Camacho and / or Brouillard out as qualified priests and persons of stature and integrity within the Catholic Archdiocese, Defendants Agana Archdiocese and DOES 1 - 50, together with Camacho and / or Brouillard themselves, invited, counseled, encouraged and induced the Catholic community of Guam, including parents or guardians of children, and particularly parents or guardians of children serving as altar boys and children eligible to serve as altar boys and / or Boy Scouts, to have trust and confidence in the Agana Archdiocese and its priests and to entrust their children to the company of priests and specifically to Camacho and / or Brouillard, including allowing their children to be alone with Camacho and / or Brouillard without supervision and to live on a full-time basis at a church facility where Camacho and / or Brouillard resided. Through such actions, Defendants collectively created and entered into a fiduciary and / or confidential relationship with its parishioners, including Catholic parents or guardians and their children, and in particular, children who provided services to the Agana Archdiocese that included

serving as altar boys. Accordingly, Defendants collectively created and entered into a fiduciary and / or confidential relationship specifically with the minor child Melvin.

75. Through such fiduciary and / or confidential relationship, Defendants collectively caused parents or guardians to entrust their children to priests, and specifically to Camacho and / or Brouillard, including the parents of Melvin, which resulted in Melvin serving as an altar boy and living on a full-time basis at a church facility where Camacho and / or Brouillard resided, resulting in the subject acts of sexual abuse described herein.

76. Defendants collectively breached their fiduciary and / or confidential relationship with the minor child Melvin by violating the trust and confidence placed in them by parishioners and specifically by the minor child Melvin, and by engaging in the wrongful acts described in this Complaint.

77. As a direct and proximate result of the Defendants' above – described conduct, Melvin has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy and counseling.

78. By engaging in the conduct described herein, Defendants respectively acted with malice, oppression, and/or fraud, entitling Melvin to exemplary and punitive damages.

XI.
REQUEST FOR RELIEF

WHEREFORE, Plaintiff Melvin Duenas requests judgment against all Defendants on all counts as follows:

1. For all general, special, exemplary and punitive damages, as allowed by law in a sum to be proven at trial and in an amount not less than $5,000,000;
2. For costs and fees incurred herein;
3. Attorneys' fees, as permitted by law; and
4. For other such and further relief as the Court may deem just and proper.

XII.
DEMAND FOR JURY TRIAL

Plaintiff Melvin Duenas, through his counsel, David J. Lujan, hereby demands a jury trial of six (6) in the above-entitled action, pursuant to Fed. R. Civ. Proc. 48(a).

Respectfully submitted this 13th day of February, 2017.

DAVID J. LUJAN,
Attorney for Plaintiff,
Melvin Duenas

VERIFICATION

MELVIN DUENAS, declares and states that he is the PLAINTIFF in the foregoing COMPLAINT; that he has read said VERIFIED COMPLAINT FOR DAMAGES and knows the contents thereof to be true and correct, except as to the matters which may have been stated upon his information and belief; and as to those matters, he believes them to be true.

I declare, under penalty of perjury, this 13th day of February 2017, that the foregoing is true and correct to the best of my knowledge.

MELVIN DUENAS

My name is Father Louis Brouillard. I am a retired Roman Catholic priest. I reside at 525 9th St. Southwest, apartment #2, Pine City Minnesota. Today is October 3rd, 2016. I am making this video at my residence and do so of my own free will.

While on Guam and the surrounding area, I helped many and assisted with numerous projects for the good of the people. During this time, I also may have offended some people there and wish to explain.

I am making this video to reach out to the parishioners of the Archdiocese of Guam, and anyone I may have harmed, to ask forgiveness for actions done by me many years ago.

I served the diocese of Guam in the 1940s through the 1970s and held many positions in the church. Two of the jobs I had were managing the Boy Scouts, where I served as President for the Scouts on Guam, my church was the Santa Teresita Church in Mangilao, and one of the other jobs was teaching sexual education to the boys in the parish.

Looking back now, I realize that I crossed the line with some of my actions and relationships with the boys.

During some of the sex education talks, while at Santa Teresita, I did touch the penises of some of the boys and some of the boys did perform oral sex on me. Some of these incidents took place in Mangilao at the rectory of the Santa Teresita Church. Because of the many years that have passed, I do not remember the exact dates and times or the names of the boys involved. There may have been 20 or more boys involved. Other locations where the sexual contact may have happened would be at San Vicente and Father Duenas Memorial Schools.

At that time, I did believe that the boys enjoyed the sexual contact and I also had self gratification as well.

I have come to learn the name of one of the boys I had sexual contact with at the Santa Teresita rectory. His name is Leo Tudela he is from the Island of Saipan. I apologize to you Leo and the rest of the boys that I may have harmed. I regret

EXHIBIT 1

with all my heart any wrong I did to them. I pray for all the boys I may have harmed and ask for their forgiveness and for forgiveness from God.

While in Guam my actions were discussed and confessed to area priests as well as Bishop Apollinaris Baumgartner who had approached me to talk about the situation. I was told to try to do better and say prayers as a penance.

I believe the Catholic Church should be honest and truthful regarding what happened on Guam during my time there.

Again, I ask forgiveness from God and from anyone I have offended while serving in Guam. May God bless you all and I ask for your prayers.

I, Louis Brouillard, having read the foregoing approve and acknowledge my statement, the truthfulness of the claims made herein and that I have made this statement completely of my own free will in an effort to atone for my sexual transgressions involving children from Guam and Saipan and to promote healing and closure for the victims of those transgressions.

Rev. Louis Brouillard 10/03/2016

LOUIS BROUILLARD

525 9th Street SW

Apartment 2

Pine City, MN 55063